

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the Matter of a Warrant to Search a Certain
E-Mail Account Controlled and Maintained By
Microsoft Corporation

Case Nos. 13-MAG-2814; M9-150

SUPPLEMENTAL DECLARATION OF
CLAIRE CATALANO

CLAIRE CATALANO, pursuant to 28 U.S.C. § 1746, declares as follows under penalties of perjury:

1. I am an attorney duly admitted to practice before this Court, and an associate of the firm Covington & Burling LLP, counsel for Microsoft Corporation.
2. I submit this supplemental declaration in support of the above-referenced motion.
3. I attach as Exhibit 1 a true and correct copy of a letter from Viviane Reding, Vice-President of the European Commission Justice, Fundamental Rights and Citizenship, to Ms. in't Veld, dated June 24, 2014.
4. I attach as Exhibit 2 a true and correct copy of a certified translation of an article titled "US Wants to Rule over All Servers Globally," written by Christian Kahle on July 24, 2014, *available at* <http://winfuture.de/news,82668.html>.
5. I attach as Exhibit 3 a true and correct copy of a certified translation of an article titled "US Government to Microsoft: 'Data stored online are not protected under the Fourth Amendment'," written by Franceso Lanza on July 15, 2014, *available at* <http://www.downloadblog.it/post/112383/il-governo-usa-contro-microsoft-i-dati-conservati-online-non-sono-protetti-dal-4-emendamento>.

6. I attach as Exhibit 4 a true and correct copy of a certified translation of an article titled “US Government: Microsoft Servers Subject to US Laws, Irrespective of Country,” published by Inside Channels on July 15, 2014, *available at* <http://www.inside-channels.ch/articles/37013>.

7. I attach as Exhibit 5 a true and correct copy of a certified translation of an article titled “US Government Accessing Data on Foreign Servers,” published by Neue Zürcher Zeitung on July 15, 2014, *available at* <http://www.nzz.ch/mehr/digital/usa-microsoft-irland-1.18344021>.

8. I attach as Exhibit 6 a true and correct copy of a certified translation of an article titled “Obama also demands access to data stored outside US,” published by Data News in Dutch on July 15, 2014, *available at* <http://datanews.knack.be/ict/nieuws/obama-eist-ook-toegang-tot-data-opgeslagen-buiten-de-vs/article-4000692430542.htm>.

9. I attach as Exhibit 7 a true and correct copy of a certified translation of an article titled “Obama Also Demands Access to Data Stored Outside of the USA,” published by Data News in French on July 15, 2014, *available at* <http://datanews.levif.be/ict/actualite/obama-reclame-aussi-l-acces-aux-donnees-stockees-en-dehors-des-usa/article-4000692595991.htm>.

10. I attach as Exhibit 8 a true and correct copy of a certified translation of an article titled “US Government Requests Access to Data Held Abroad,” published by Der Standard on July 15, 2014, *available at* <http://derstandard.at/2000003099483/US-Regierung-fordert-Zugriff-auf-Daten-im-Ausland>.

11. I attach as Exhibit 9 a true and correct copy of a certified translation of an article titled “US Government: Access to Foreign Servers is Lawful,” published by Neue

Osnabrücker Zeitung on July 15, 2014, *available at* <http://www.noz.de/deutschland-welt/gut-zu-wissen/artikel/490495/us-regierung-zugriff-auf-server-im-ausland-ist-rechtens>.

12. I attach as Exhibit 10 a true and correct copy of a certified translation of an article titled “US Government Requests Access to Data in EU Processing Centers,” published by Heise Online on July 15, 2014, *available at* <http://www.heise.de/newsticker/meldung/US-Regierung-fordert-Zugriff-auf-Daten-in-EU-Rechenzentren-2260639.html>.

13. I attach as Exhibit 11 a true and correct copy of a certified translation of an article titled “US Also Wants Data from Foreign Servers,” published by Future Zone on July 15, 2014, *available at* <http://futurezone.at/netzpolitik/usa-wollen-auch-daten-von-auswaertigen-servern/75.024.634>.

14. I attach as Exhibit 12 a true and correct copy of an article titled “EU slams US over Microsoft privacy case,” published by the Financial Times on June 30, 2014, *available at* <http://www.ft.com/cms/s/0/1bfa7e90-ff6e-11e3-9a4a-00144feab7de.html>.

15. I attach as Exhibit 13 a true and correct copy of an article titled “High Court refers Facebook privacy case to Europe,” published by the Irish Times on June 19, 2014, *available at* <http://www.irishtimes.com/business/sectors/technology/high-court-refers-facebook-privacy-case-to-europe-1.1836657>.

16. I attach as Exhibit 14 a true and correct copy of the Irish High Court’s decision in *Maximillian Schrems v. Data Protection Commissioner*, dated June 18, 2014.

17. I attach as Exhibit 15 a true and correct copy of the United Kingdom’s Data Retention and Investigatory Powers Act 2014, *available at* http://www.legislation.gov.uk/ukpga/2014/27/pdfs/ukpga_20140027_en.pdf.

Dated: July 24, 2014
New York, New York

Claire Catalano

Claire Catalano, Esq.